

REMARKS

Status of the Claims

Claims 35 and 53-64 are pending in the application, with Claims 35 and 61 being independent. Claims 44-52 have been cancelled herein without prejudice to or disclaimer of the subject matter contained therein. Claim 35 has been amended herein for reasons unrelated to patentability to improve its form. Claims 53-64 have been newly added.

Requested Action

Applicant respectfully requests the Examiner to reconsider and withdraw the outstanding rejection in view of the foregoing amendments and the following remarks.

Substantive Rejection

Claims 35 and 44-52 are rejected under 35 U.S.C. § 102(b), as being unpatentable over the patent to Ban (U.S. Patent No. 5,848,516).

Response to Substantive Rejections

This rejection is respectfully traversed for the following reasons.

Amended independent Claim 35 relates to a developer supply container for supplying a developer, the developer supply container being detachably mountable to an image forming apparatus. The developer supply container comprises a container body configured to contain the developer, a discharge opening, provided in the container body, configured and positioned to permit discharge of the developer from the container body, and a shutter member configured and positioned to open and close the discharge opening

by rotation thereof. The shutter member includes a communicating portion capable of fluid communication with the discharge opening irrespective of the rotational direction of movement of the shutter member.

In addition, new Claim 61 recites similar features, except that it recites that the shutter member includes a closing portion capable of re-closing a discharging opening irrespective of the rotational direction of movement of the shutter member.

In contrast, the patent to Ban is not understood to disclose or suggest a shutter member that includes a communicating portion capable of fluid communication with the discharge opening irrespective of the rotational direction of movement of the shutter member, as recited by Claim 35, or a shutter member including a closing portion capable of re-closing a discharging opening irrespective of the rotational direction of movement of the shutter member, as recited by new Claim 61.

Rather, the Ban patent appears to merely show that a cap 2 opens a toner bottle by rotating in one direction, and re-closes the toner bottle by rotating in the opposite direction. This can be seen as follows. Column 7, line 27 through column 8, line 33 of the Ban patent is understood to disclose a cap 2 of a toner bottle comprising a rotatable lever or handle 2a, whose rotation rotates (i.e., opens and closes) a rotary shutter 2c having sector openings 2e. Depending on the rotational position of the handle 2a, the sector openings 2e will face (and therefore communicate with) or not face (and therefore not communicate with) the sector openings 2f of a fixed shutter 2d. When a sector opening 2e faces a sector opening 2f, toner in the bottle is understood to be able to flow therethrough out of the bottle. When the toner bottle is packaged with the cap 2 securely threaded, presumably to keep toner powder in the bottle, the handle 2a of the cap 2 is positioned at one corner of the

bottle, as shown in Figure 8 and as discussed at column 8, lines 21-33. Since, the toner powder will stay in the bottle only if the sector openings 2e do not communicate with the sector openings 2f and the discharge opening of the bottle, it appears that when the handle 2a is positioned at one corner of the bottle, the sector openings 2e and 2f do not communicate with the opening of the bottle. To open the shutter to permit toner discharge by aligning the sector openings 2e and 2f with each other to communicate with the bottle opening, “the operator rotates the cap by the handle. . . The above-described rotation rotates it by a predetermined angle.” (column 9, lines 10-15). “After completion of the toner discharge, the lever is rotated in the opposite direction to close the shutter” (column 9, lines 40 and 41). Thus, there does not appear to be any disclosure or suggestion that the bottle can be opened by moving the shutter in two directions or that the bottle can be re-closed by moving the shutter in two directions.

Since the Ban patent is not understood to disclose or suggest a shutter member that includes a communicating portion capable of fluid communication with the discharge opening irrespective of the rotational direction of movement of the shutter member, as recited by Claim 35, or a shutter member including a closing portion capable of re-closing a discharging opening irrespective of the rotational direction of movement of the shutter member, as recited by new Claim 61, Applicant respectfully requests that the outstanding rejection be withdrawn and that independent Claims 35 and 61 be allowed.

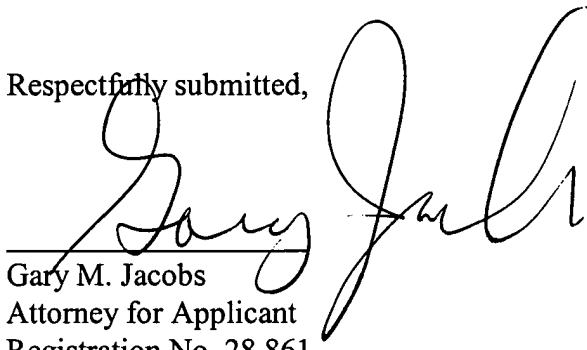
The dependent claims are allowable for the reasons given for the independent claims and because they recite features that are patentable in their own right. Individual consideration of the dependent claims is respectfully solicited.

Conclusion

In view of the above amendments and remarks, the application is now in allowable form. Therefore, early passage to issue is respectfully solicited.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Gary M. Jacobs
Attorney for Applicant
Registration No. 28,861

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile No.: (212) 218-2200

GMJ:ayr

DC_MAIN 233032v1